

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Irael Romeo Hernandez-Morales,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:18cv505
vs.	:	
	:	Judge Susan J. Dlott
Secretary, Department of Homeland Security,	:	
et al.,	:	
	:	
Respondent(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on May 31, 2019 (Doc. 11), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired June 14, 2019, hereby ADOPTS said Report and Recommendation.

Accordingly, respondent's motion to dismiss is GRANTED and this action is DISMISSED without prejudice for lack of subject matter jurisdiction.

A certificate of appealability will not issue under the standard set forth in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), because "jurists of reason" will not find it debatable whether the Court is correct in its procedural ruling that it lacks subject matter jurisdiction. *See e.g., Wunderlich v. City of Flushing*, No. 14-cv-14626, 2014 WL 7433411, at *3 (E.E. Mich. Dec. 31, 2014) (applying *Slack* to dismissal for lack of subject matter jurisdiction).

The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that with respect to any application by petitioner to proceed on appeal *in forma pauperis*, an appeal of any Order adopting the Report

and Recommendation will not be taken in “good faith,” therefore DENYING petitioner leave to appeal *in forma pauperis*. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Judge Susan J. Dlott
United States District Court